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6 *Representing the United States*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CESAR TORRES-DIAZ,

14 Defendant.

Case No. 2:19-CR-00162-APG-VCF

**Stipulation To Continue Sentencing
Hearing**
(First Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas
16 A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United
17 States Attorney, counsel for the United States of America, and Rene L. Valladares,
18 Federal Public Defender and Tiffany Nocon, Assistant Federal Public Defender,
19 counsel for, CESAR TORRES-DIAZ ("Diaz"), that the sentencing hearing in the
20 abovementioned case, which is currently scheduled for February 18, 2020 at 10:45
21 a.m., be continued and reset to a date and time convenient to this Court on February
22 25, 2020, or as close after that date as the Court's schedule allows, for the following
23 reasons:

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1 1. On or about February 11, 2020, Diaz filed an objection to the PSR
2 combined with his sentencing memorandum. ECF 22. Under local rule, the
3 government's response would have to be filed three days before the February 18,
4 2020 sentencing hearing. However, the undersigned government counsel will be out
5 of the district from February 12, 2020 until February 17, 2020 and will have only
6 limited access to cell phone and computers during that time. Accordingly, the
7 government needs a brief continuance to be able to adequately research and respond
8 to Diaz's sentencing issues.

9 2. The parties have agreed to continue the sentencing hearing to a date
10 and time convenient to this Court on February 25, 2020, or as close after that date as
11 the Court's schedule allows so that the government has sufficient time to file an
12 appropriate responsive pleading.

13 3. The defendant is incarcerated but defense counsel indicates that
14 counsel does not object to the short continuance requested herein.

15 4. The parties agree to the continuance.

16 5. The additional time requested herein is not sought for purposes of
17 delay, but merely to allow the parties sufficient time within which adequately prepare
18 for the sentencing hearing. Additionally, denial of this request for continuance could
19 result in a miscarriage of justice, and the ends of justice served by granting this
20 request, outweigh the best interest of the public and the defendant in a speedy
21 hearing.

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6. This is the first stipulation to continue the hearing.

DATED this 11th day of February, 2020.

RENE L. VALLADARES Federal Public Defender	NICHOLAS A. TRUTANICH United States Attorney
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<i>/s/ Tiffany Nocon</i> By _____ TIFFANY NOCON Assistant Federal Public Defender	<i>/s/ Kimberly M. Frayn</i> By _____ KIMBERLY M. FRAYN Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CESAR TORRES-DIAZ,

7 Defendant.

Case No. 2:19-CR-00162-APG-VCF

**Findings Of Fact, Conclusions Of Law
And Order**

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9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. On or about February 11, 2020, Diaz filed an objection to the PSR
13 combined with his sentencing memorandum. ECF 22. Under local rule, the
14 government's response would have to be filed three days before the February 18,
15 2020 sentencing hearing. However, the undersigned government counsel will be out
16 of the district from February 12, 2020 until February 17, 2020 and will have only
17 limited access to cell phone and computers during that time. Accordingly, the
18 government needs a brief continuance to be able to adequately research and respond
19 to Diaz's sentencing issues.

20 2. The parties have agreed to continue the sentencing hearing to a date
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2 counsel does not object to the short continuance requested herein.

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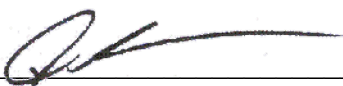
4 5. The additional time requested herein is not sought for purposes of
5 delay, but merely to allow the parties sufficient time within which adequately prepare
6 for the sentencing hearing. Additionally, denial of this request for continuance could
7 result in a miscarriage of justice, and the ends of justice served by granting this
8 request, outweigh the best interest of the public and the defendant in a speedy
9 hearing.

10 6. This is the first stipulation to continue the hearing.

11 **ORDER**

12 THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in
13 the above-captioned matters, currently scheduled for February 18, 2020, be
14 vacated and continued to a date and time convenient to this Court that is on
15 Tuesday, March 3, 2020 at 9:30 a.m. in courtroom 6C.

16
17 DATED this 12th day of February 2020.

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20 HONORABLE ANDREW G. GORDON
 United States District Judge